

REMARKS

With this response, an earnest effort has been made to respond to all issues raised in the Notice of Non-Compliant Amendment.

The following Remarks are identical to the Remarks submitted in the Amendment and Response Under 37 CFR §1.111 dated February 7, 2007, which was found to be non-compliant. We are not resubmitting our attachments along with this response. Please refer to our February 7, 2007 submission to view them.

Claims 1, 3-13, and 38 are pending. Claims 15-21 and 35-37 have been canceled. Claims 2 and 14 were previously cancelled. Claim 1 is amended. Claim 38 has been added. Support for added claim 38 can be found in originally filed claim 14, which was the same as added claim 38. Originally filed claim 14 was cancelled when applicant incorporated the substance of claim 14 into claim 1 following the Examiner's indication that claim 14 would be allowable if rewritten in independent form. The Examiner later withdrew the indication of allowability of claim 14.

§ 103 Rejections

Claims 15-18, 20, 21, and 35-37 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,735,988 to Chau et al. in view of U.S. Patent No. 3,712,706 to Stamm in view of either of U.S. Patent Nos. 5,657,162 or 5,780,140, both to Nilsen. The Examiner also relies on U.S. Patent No. 5,234,740 to Reeves in making this rejection. Applicant has cancelled claims 15-21 and 35-37.

Claims 1, 3-13, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Chau et al. in view of Stamm and further in view of either of JP 042096876 or JP 08157793. The Examiner admits that Chau et al. and Stamm fail to describe a pressure-sensitive acrylic based epoxy adhesive but asserts that "JP 042096876 or JP 08157793 specifically note acrylic based epoxy adhesives are pressure-sensitive" (page 5).

Applicant disputes the Examiner's assertion that all acrylic based epoxy adhesives are inherently pressure-sensitive. Applicant supports this assertion with a showing of an acrylic

based epoxy adhesive not including other monomers specifically demonstrating the adhesive is without pressure-sensitive adhesive properties. Applicant submits with this Response a Declaration under 37 C.F.R. 1.132 of Bimal V. Thakkar. In his Declaration, Dr. Thakkar concludes that "Ebecryl 3720 is an acrylic based epoxy material not including other monomers, and Ebecryl 3720 does not qualify as a pressure-sensitive adhesive in either its uncured or cured form" (Paragraph 12). Applicant also notes that this Declaration was also submitted during prosecution of a related patent application from the same family (U.S. Application No. 09/870,180) in which the Examiner made the same arguments that are made in the present application. Following submission of the Declaration, the related application was allowed and is now proceeding to issuance.

Claims 1, 3-13, 15-21, and 35-37 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,376,431 to Rowland or U.S. Patent No. 3,810,804 to Rowland in view of Stamm. The Examiner asserts that Rowland and Rowland both describe "a retroreflective article comprising cube corner prisms coated with a reflective layer that has an adhesive there over" (page 6). The Examiner admits that neither Rowland reference describes a negative array (*i.e.*, "cavities" as is recited in independent claim 1), but asserts that "Stamm teaches that an array of cube corner elements can be in either cavity or prism form, then coated with reflective material and filled in with a transparent medium" (page 7). The Examiner further states that "Rowland '804 also discloses pressure sensitive adhesives" and relies on Reeves for a description of an adhesive on the back side of the retroreflective article (pages 7-8).

Applicant has amended independent claim 1 to recite "a pressure-sensitive adhesive layer that fills the cube corner cavities and that is transparent and is radiation-curable or UV-curable." Applicant asserts that none of the cited references, alone or in combination, describe a pressure-sensitive adhesive layer that is radiation-curable or UV-curable. Further, Applicant notes that the Examiner of U.S. Application No. 09/870,180 made a rejection based on Chau, Stamm, and Rowland '804 based on the same arguments that this Examiner is making. The Board of Patent Appeals and Interferences ruled that "nothing in Rowland referred to by the examiner teaches that . . . its pressure-sensitive adhesive is radiation or UV curable" (Decision on Appeal, page 8)(copy enclosed herewith).

Claims 3-13, 19, and 38 each add additional features to claim 1. Claim 1 is patentable for the reasons given above. Thus, claims 3-13, 19, and 38 are likewise patentable.

Applicant believes that the rejection of claims 1, 3-13 and 19 under 35 USC § 103(a) as being unpatentable over the references listed above has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance and reconsideration of the application is requested.

Respectfully submitted,

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Date

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